

Message Text

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ACTION OES-07

INFO OCT-01 EA-10 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DLOS-09
DODE-00 DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01
TRSE-00 H-01 INR-10 INT-05 JUSE-00 L-03 NSAE-00
NSC-05 NSF-01 OMB-01 PA-01 PM-05 SP-02 SS-15
ICA-11 /146 W

-----090906 130810Z /10

P R 120415Z MAY 78
FM AMEMBASSY SUVA
TO SECSTATE WASHDC PRIORITY 7394
INFO AMEMBASSY PORT MORESBY
AMEMBASSY TOKYO
AMEMBASSY CANBERRA
AMEMBASSY WELLINGTON
CINCPAC HONOLULU HI
HICOMTERPACIS SAIPAN
USMISSION GENEVA

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CINCPAC FOR POLAD

HICOMTERPACIS FOR STATUS LNO

E.O. 11652: N/A
TAGS: EFIS, PLOS, FJ, XP
SUBJECT: SOUTH PACIFIC REGIONAL FISHERIES AGENCY

REF: A. SUVA 0775

1. SUMMARY: WHAT WAS SCHEDULED AS A TWO-DAY MEETING (8 - 10 MAY) OF A SPEC SPECIAL COMMITTEE TO DISCUSS SUBJECT MATTER IN PREPARATION FOR THE 5 - 10 JUNE SECOND ROUND OF NEGOTIATIONS IN SUVA WENT ON FOR THREE WHOLE DAYS THE OUTCOME
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OF WHICH WAS TO FURTHER DIM THE PROSPECT OF A SUCCESSFUL JUNE MEETING AND TO SUGGEST THAT IF HELD AT ALL IT WOULD BE AT A SMALL NON-PLENIPOTENTIARY DELEGATION LEVEL FOR FURTHER INFORMAL CONSULTATION SO AS TO MAINTAIN MOMENTUM AND DIALOGUE. PAPUA NEW GUINEA'S EXTREME POSITION HAS FINALLY GIVEN RISE TO DOUBTS AS TO WHETHER PNG IS REALLY INTERESTED IN AN SPRFA AGREEMENT.
END SUMMARY.

2. THE FOLLOWING PICTURE HAS EMERGED FROM OUR DISCUSSION WITH SOURCES WHICH HAD PARTICIPATED IN THE 8 - 11 MAY MEETING OF THE SPEC COMMITTEE ON SPRFA:

(1) THE DIVISION BETWEEN THOSE WHO FAVOR U.S. PARTICIPATION IN SPRFA AND THOSE WHO WANT SPRFA TO BE LIMITED TO COUNTRIES THAT SHARE THE PRINCIPLE OF COASTAL STATES SOVEREIGN JURISDICTION OVER TUNA HAS BEEN DRAWN SHARPER BOTH IN SUBSTANCE AND LANGUAGE.

(B) THE PRO-U.S. GROUP IS LED BY WESTERN SAMOA AND INCLUDES AUSTRALIA, NEW ZEALAND, TONGA AND GILBERTS. AS IN LAST NOVEMBER MEETING THIS GROUP WHICH ATTACHED TO THE PRINCIPLE OF COASTAL STATE JURISDICTION BELIEVES THAT IT WILL BE IN THE INTEREST OF THE REGION IF SPRFA INCLUDED THE U.S. WESTERN SAMOA IN FACT WENT SO FAR AS TO STATE IT WILL NOT BE INTERESTED IN SPRFA IF IT DID NOT INCLUDE THE U.S.

(C) THE OPPOSITE GROUP IS LED BY PAPUA NEW GUINEA (AS IN LAST NOVEMBER'S MEETING) AND INCLUDES SOLOMON, FIJI, NIUE, NAURU, AND TUVALU. THE LAST THREE DID NOT PARTICIPATE IN MEETING BUT HAD WRITTEN TO SPEC EXPRESSING STRONG VIEWS ALIGNED TO THE PNGG.

3. MANNER AND LANGUAGE, INCLUDING POUNDING ON THE TABLE (IN VIOLATION OF "PACIFIC WAY" AS SOME PARTICIPANTS PUT IT) BY PNG DELEGATION LED BY P.M. LAVENDER, A YOUNG ARTICULATE LAWYER LISTED AS DEPUTY LEGAL ADVISER CREATED CLEAR IMPRESSION THAT PNG LIMITED OFFICIAL USE

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DELEGATION WAS UNDER STRICT ORDERS NOT TO MAKE ANY CONCESSIONS ON THE PRINCIPLE OF SOVEREIGN RIGHTS OF COASTAL STATES AND ON IDEA THAT THE FORUM LEADERS HAD ENVISIONED SPRFA AS LIMITED TO COASTAL STATES THAT SHARE THIS PRINCIPLE. THIS IMPRESSION WAS REINFORCED BY NEWS OF STATEMENT ON NATIONAL FISHERIES POLICY ISSUED BY PNG.

4. PNG DELEGATION MADE A BIG PLAY OVER LANGUAGE OF PARA 7 OF RESOLUTION BY 8TH SOUTH PACIFIC FORUM IN PORT MORESBY 29-31 AUGUST 1977 TO SUPPORT ITS POSITION. FOR EASY REFERENCE PARA 7 READS "DECIDE TO ESTABLISH A SOUTH PACIFIC REGIONAL FISHERIES AGENCY OPEN TO ALL FORUM COUNTRIES AND ALL COUNTRIES IN THE SOUTH PACIFIC WITH COASTAL STATE INTERESTS IN THE REGIONAL WHO SUPPORT THE SOVEREIGN RIGHTS OF THE COASTAL STATE TO CONSERVE AND MANAGE LIVING RESOURCES, INCLUDING HIGHLY MIGRATORY SPECIES, IN ITS 200 MILE ZONE."

5. WESTERN SAMOAN DELEGATION ARGUED THAT PAR 7 SHOULD BE READ IN THE LIGHT OF THE ENTIRE RECORD OF THE AUGUST MEETING WHICH SHOWS THAT THE REFERENCE TO OTHER "COUNTRIES IN THE PACIFIC" AS DEMANDED BY WS PRIME MINISTER WAS INTENDED AS A COMPROMISE LANGUAGE TO ALLOW U.S. PARTICIPATION IN THE AGENCY. PNG NEGATIVE

POSITION PERSISTED.

6. AT ONE POINT PNG DELEGATION SOUGHT TO DRAW A DISTINCTION BETWEEN CONSERVATION AND MANAGEMENT OF MARINE RESOURCES CLAIMING THAT THE U.S. AS A FISHING STATE HAS MORE INTEREST IN THE FORMER THAN THE LATER. ACCORDINGLY THEY TRIED TO FLOAT THE IDEA OF AN ADVISORY COMMITTEE WHICH WOULD BE ATTACHED TO THE SPRFA IN WHICH THE U.S. AND OTHER DISTANT FISHING COUNTRIES WOULD SIT BUT WHOSE PURPOSE WOULD BE LIMITED TO DEVELOPMENT OF CONSERVATION PROGRAMS.

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7. ANOTHER LINE OF ARGUMENT EXPRESSED BY PNG AND TO SOME EXTENT BY FIJI AS WELL WAS THAT THE U.S. IS PARTICIPATING IN THE NEGOTIATIONS AS A FISHING STATE AND NOT AS A COASTAL STATE. HENCE THE APPREHENSION LEST THE U.S. USE ITS GREAT INFLUENCE AND RESOURCES TO FRUSTRATE COASTAL STATES HOPES TO GAIN MAXIMUM BENEFIT FROM 200 MILE EEZ. THEY ANTICIPATED U.S. FISHING INDUSTRY'S PRESSURES BEHIND SUCH ATTEMPTS BY THE USG.

8. THE LETTER FROM AMBASSADOR CONDON CLARIFYING THE U.S. POSITION IN RESPONSE TO SPEC REQUEST (REFTEL) SERVED PRECISELY

THE PURPOSE FOR WHICH IT WAS WRITTEN AND WAS MORE USEFUL TO THE PRO-U.S. GROUP THAN THE OPPONENTS. AS ONE PARTICIPANT PUT IT IT DEPRIVED PNG AND POSSIBLY OTHERS OF A LICENSE TO MAKE ALLEGATIONS ABOUT THE U.S. POSITION.
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9. AS INITIALLY REPORTED NEW ZEALAND'S PAUL COTTON WAS AMONG THOSE FEW WHO HAD MISUNDERSTOOD BUSBY AND MUCH TO HIS SUBSEQUENT PERSONAL EMBARRASSMENT HAD INSISTED ON SPEC SOLICITING A WRITTEN CLARIFICATION OF THE U.S. POSITION. ON BALANCE, HOWEVER, HIS MISUNDERSTANDING SERVED A GOOD PURPOSE IN THAT IT PROLONGED THE MEETING WHICH AT ONE TIME LOOKED DOOMED TO AN EVEN MORE CONFUSING CONCLUSION THAN THAT WITH WHICH IT FINALLY ENDED.

10. ANOTHER INTERESTING INDICATION OF HOW SHARPLY THE LINES WERE DRAWN THIS TIME IS THE FACT THE PNG RENEGED ON THE TWO-TREATY APPROACH WHICH THEY HAD PROPOSED IN THE FIRST PLACE. WHEN REMINDED OF THAT THEY REPLIED THAT ALL THEY HAD IN MIND WAS TO KEEP THE DIALOGUE GOING. THEIR RENEGING CAME AT A POINT WHEN IT LOOKED AS THOUGH A CONSENSUS WAS DEVELOPING AROUND THIS SOLUTION TO ENTIRE PROBLEM OF U.S. PARTICIPATION MUCH THAT SOME DELEGATES THOUGHT THIS SOLUTION AS "UNTIDY AND INELEGANT."

11. FIJI PROPOSED A COMPROMISE SOLUTION THE MECHANICS OF WHICH DEFIED PARTICIPANTS AND OUR OWN COMPREHENSION. PENDING FURTHER EFFORTS TO ELUCIDATE WE WILL SIMPLY QUOTE THE PROPOSAL AS PRESENTED TO THE SPEC MEETING:

(A) HAVE A SEPARATE ARTICLE IN WHICH PARTIES AFFIRM THE SOVEREIGN RIGHTS OF COASTAL STATES IN THE REGION TO CONSERVE AND MANAGE LIVING MARINE RESOURCES, INCLUDING HIGHLY MIGRATORY SPECIES, WITHIN THEIR 200 MILE RESOURCES ZONE.

(B) HAVE AN ARTICL ON MEMBERSHIP PROVIDING FOR MEMBERSHIP TO BE OPEN TO:

(I) GOVERNMENTS OF COUNTRIES THAT PRESENTLY COMPRISE THE MEMBERSHIP OF THE SOUTH PACIFIC FORUM;

(II) GOVERNMENTS OF OTHER COUNTRIES IN THE REGION WITH COASTAL STATE INTERESTS WHICH HAVE THE COMPETENCE TO

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ACCEPT AND IMPLEMENT ALL THE DECISIONS OF THE ORGANIZATION.

(C) HAVE SEPARATE ARTICLE ON SIGNATURE, ACCESSION, ETC. PROVIDING;

(I) THAT GOVERNMENTS IN THE FIRST CATEGORY WILL BE

ADMITTED BY SIGNATURE, AND

(II) THAT THE GOVERNMENTS IN THE SECOND CATEGORY WILL
BE ADMITTED BY ACCESSION AND WITH THE APPROVAL OF THE
CONFERENCE.

12. AS NEAR AS WE CAN DETERMINE THE MEETING ENDED WITH AN
UNDERSTANDING THAT THE PARTICIPANTS WILL ADVISE THEIR RESPECTIVE
PRIME MINISTERS THAT ACTION TO CARRY OUT PAR. 7 OF PORT MORESBY
RESOLUTION DEPENDS UPON CLEAR INTERPRETATION OF WHAT WAS THE FORUM'S
INTENT WITH REGARD TO THE U.S. AND INCIDENTIALLY BRING TO
THEIR ATTENTION FIJI PROPOSAL ABOVE. PARTICIPANTS ARE TO REPORT
BACK TO SPEC BY 24 MAY AT WHICH TIME SPEC WILL DETERMINE IF AND
WHAT KIND OF MEETING SHOULD BE HELD IN JUNE. SOME
HOPES ARE PINNED ON POSSIBILITY OF SMALL INFORMAL FORUM MEETING
BY THREE PRINCIPAL PMS (FIJI, WESTERN SAMOA AND PNG) WHO ARE
EXPEDITED TO BE IN APIA AT THE SAME TIME IN CONNECTION WITH CELE-
BRATION OF 16TH ANNIVERSARY OF WESTERN SAMOAN INDEPENDENCE.
BUT THIS WILL NOT HAPPEN UNTIL EARLY IN JUNE.

13. COMMENT FOLLOWS IN SEPTTEL.
CONDON

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Message Attributes

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